

**Job Grading Appeal Decision**  
**Under section 5346 of title 5, United States Code**

**Appellant:** [appellant's name]

**Agency classification:** Maintenance Worker  
WG-4749-8

**Organization:** [name] Lake Office  
[name] Area Office  
U.S. Army Engineer District, [name]  
U.S. Army Corps of Engineers  
[city and state]

**OPM decision:** Maintenance Worker  
WG-4749-8

**OPM decision number:** C-4749-08-01

/s/ Robert D. Hendler

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Robert D. Hendler  
Classification and Pay Claims  
Program Manager  
Center for Merit System Accountability

March 18, 2009

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Date

As provided in section S7-8 of the *Operating Manual: Federal Wage System*, this decision constitutes a certificate that is mandatory and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government. There is no right of further appeal. This decision is subject to discretionary review only under conditions and time limits specified in section 532.705(f) of title 5, Code of Federal Regulations (CFR). Addresses are provided in the *Introduction to the Position Classification Standards*, appendix 4, section H.

**Decision sent to:**

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## Introduction

On April 9, 2008, the Dallas Oversight and Accountability Group of the U.S. Office of Personnel Management (OPM) accepted a job grading appeal from [appellant]. [The appellant] is assigned to the [name] Lake Office, [name] Area Office, Operations Division of the U.S. Army Corps of Engineers (USACE) District Office in [city and state]. The appellant's job is currently graded as Maintenance Worker, WG-4749-8. He believes the agency's decision on his appeal failed to show how the duties he performs should not be graded at a higher level. We received the agency's administrative report May 19, 2008, and the appellant's comments on that report on May 27. We have accepted and decided this appeal under section 5346 of title 5, United States Code (U.S.C.).

## General issues

The appellant stated he filed a written request for a desk audit on February 2, 2007, with his agency when they did not respond to questions concerning regular performance of duties not described in his job description (JD). The organization reviewed his JD, dated December 8, 1980, and determined it failed to adequately describe the full range of duties and responsibilities being performed. A new JD, #[number], was issued on July 10, 2007, and the appellant and other maintenance workers at project lake offices in the [name] District were assigned to the new JD. The appellant indicated the new JD removed duties involving the high voltage electrical repair work which he had been performing for the past 15 years. The appellant filed an appeal with the Department of Defense's Civilian Personnel Management Service (CPMS) on August 25, 2007. Their decision, issued March 12, 2008, found the job properly graded as Maintenance Worker, WG-4749-8.

The appellant raised the issue of back pay for work performed on the higher voltage electrical equipment repairs he performed before those duties were removed by implementation of the new PD. The U.S. Comptroller General states an "... employee is entitled only to the salary of the position to which he is actually appointed, regardless of the duties performed. When an employee performs the duties of a higher grade level, no entitlement to the salary of the higher grade exists until such time as the individual is actually promoted." This rule was reaffirmed by the United States Supreme Court in *United States v. Testan*, 424 U.S. 392, at 406 (1976), where the Court stated that "... the federal employee is entitled to receive only the salary of the position to which he was appointed, even though he may have performed the duties of another position or claim that he should have been placed in a higher grade' ... Consequently, backpay is not available as a remedy for misassignments to higher level duties or improper classifications." (CG decision B-232695, December 15, 1989).

The appellant takes issue with the actions of his agency and CPMS in reviewing the grading of his job. He states: "The DOD interviewer and the agency I feel with intent made false statements in regard to my duties for pay purposes in violation of U.S.C. title 18." Because an OPM appeal decision sets aside any previous agency decision, the agency's job grading practices are not germane to the job grading appeal process. The job grading appeal process does not extend to issues of criminal law or investigating the motivation of individuals as the appellant appears to believe. Our responsibility is to determine the actual duties and responsibilities

assigned by management and performed by the appellant and grade those duties and responsibilities by application of published OPM job grading standards (JGS) (5 U.S.C. 5346).

Integral to the appellant's rationale is that the agency has falsified his JD since the agency appeal decision found he does not perform all the duties assigned. He also appears to believe the agency assigned certain duties to affect the grading of the job based on the classification principles and practices contained in the *Classifier's Handbook*.

The *Classifier's Handbook* contains classification principles and practices primarily concerning the classification of positions in the General Schedule (GS). As discussed later in this decision, the appellant's work is excluded from the GS and is covered by the Federal Wage System (FWS). FWS job grading principles and practices are contained in the *Job Grading System for Trades and Labor Occupations* and the *Operating Manual Federal Wage System-Appropriated Fund*. Therefore, the appellant's comments and concerns based on the *Classifier's Handbook* are not germane to this appeal and will not be addressed further.

A JD is the official record of the major duties and responsibilities assigned to a job by an official with the authority to assign work. A job is the duties and responsibilities that make up the work performed by an employee. Appeal regulations permit OPM to investigate or audit a job (5 CFR 532.705(c)), and decide an appeal on the basis of the actual duties and responsibilities currently assigned by management and performed by the employee. An OPM appeal decision grades a real operating job, and not simply the JD.

As discussed in the aforementioned *Operating Manual*, S6-6, a JD meets established standards of adequacy if it contains sufficient information to allow proper grading when OPM JGSs are applied. We will address the appellant's concerns regarding JD accuracy later in this decision.

### **Job information**

As indicated, the position is assigned to the [name] Lake Office of the [name] Area Office for the [name] District, USACE. The lake is on the [name] River approximately seven miles east of [city and state]. The lake is formed by a dam used for flood control, water supply, water quality, and recreation and wildlife habitat. The [name] dam is a rolled earth embankment 10,200 feet long and rises about 101 feet above the streambed. The spillway is controlled with six 40- x 50-foot tainter gates and a non-baffled stilling basin. Contiguous to the lake is an 8,000 acre USACE-managed recreational area with facilities that include boat ramps, fishing areas, picnic areas, campsites, group shelters, swimming areas, playgrounds, dump stations, and trails for hiking, biking, nature, etc. The State of [name] also maintains a state park with facilities and hunting areas on additional acreage around the lake.

The [name] Lake Office is headed by a Supervisory Natural Resource Manager, YF-401-02, who also oversees operations at [names of three other lake] offices. He is responsible for the natural resources, park and recreation, technical administration, personnel administration, and public relations for the four lakes. The staff assigned to [name] Lake includes two GS-9, Natural Resource Specialists, a GS-6, Administrative Support Assistant, and the appellant who occupies JD number [number].

Under Major Duties, this JD states it is used at multiple project lake/area offices and indicates the incumbent serves as a maintenance worker and facility maintenance inspector for the office and performs a variety of maintenance, operation, and inspection duties. These include making flood releases as determined by the [name] District office; repairing and maintaining the appurtenant structures and systems of the dam; inspecting maintenance, construction, and service contracts at the dam and other facilities; and participating in the annual inspections, as required. The maintenance staff worker maintains and repairs park facilities such as public restrooms, camp sites, picnic areas, park roads, etc. Maintenance skills include, but are not limited to, those needed to perform minor electrical and mechanical work, carpentry, painting, plumbing, masonry, and welding work.

The JD goes on to enumerate four duties. These include: Duty 1- Maintenance Worker (including mechanical, electrical, welding, carpentry, plumbing, painting, maintenance of water supply and sewage facilities, and operating heavy equipment); Duty 2 - Maintenance Inspector duties; Duty 3 - Dam Operation; and Duty 4 - Vehicle/Vessel Operation. Duty 1 is allocated 70 percent of the work time while the remaining three duties are each credited at 10 percent.

Briefly, mechanical duties as described in the JD in Duty 1 include installing, maintaining, and repairing equipment such as hydraulic gates and systems, gate hoist machinery, gear boxes, cranes, elevators, sump pumps, hangers, water system pumps, and stand-by generators. The employee bolts parts and accessories to foundations, installs and repairs foundations for machinery, and connects hydraulic lines, fuel lines, lubrication systems, and other power sources prior to operation.

Electrical describes inspecting such items as circuit breakers and fuses for proper condition and size; replacing defective breakers. The employee tightens connections in circuit breakers, distribution panels, light switches, outlets, and light fixtures, and checks for overloaded circuits using appropriate meters. The employee installs, repairs, replaces and maintains such items as damaged or worn wiring, outlets, switches, light fixtures, outlet and switch plates, and like items. He or she works on 110V – 240V single phase and 208V three phase circuits in accordance with the District's policy on electrical work and reports to the supervisor on the need for additional electrical work involving major repair or higher voltage circuits (440V or greater).

Welding work includes welding similar metals to fabricate or repair equipment using gas welding, electric arc welding, or brazing.

Carpentry work includes constructing, installing, repairing, or modifying items and structures such as windows, doors, screens, roofs, siding and floors on toilets, gate houses, storage building, and similar structures. The employee may build small wooden structures such as picnic tables and shelters, set forms for concrete, framework, doors, finished paneling, etc.

Plumbing work includes installation, repair, replacement, and maintenance of pipes, faucets, union joints, drains, etc.

Painting includes painting a variety of surfaces such as wood, metal, and concrete, using standard methods; ensuring surfaces are properly prepared before applying paint; and using the appropriate materials and following specific directions for each.

Maintenance of Water Supply and Sewage Facilities describes maintaining project water supply and sewage facilities by repairing or replacing pumps, valves, faucets, broken water lines, hand pumps, and hydrants; setting pressure gauges on water pumps and pressure tanks; and collecting water samples for testing. The employee maintains drawings for locations of water and sewer lines, equipment, and related items and maintains a stock of spare parts and materials for operating and emergency needs.

Heavy Equipment Operation indicates operation of one or more types of equipment such as grader, dozer, and backhoe in construction of boat ramps, roads, campsite extensions, and related facilities.

Duty 2 describes studying contracts to determine work requirements, time requirements, specifications, etc., and conducting day-to-day inspections by observing contracted services such as janitorial, waste removal, grass mowing, paving, etc. Inspections include checking restrooms, sewer fields, dump stations, minor construction, etc., observing quality of work, use of proper supplies, quality of materials, timeliness, and compliance with safety regulations and policies.

Duty 3 describes collecting various weather readings from instruments and reporting to the District Office. The employee makes gate settings to regulate outflow of water in accordance with regulatory requirements; inspects dam and appurtenant structures and equipment using standard checklists; performs routine maintenance and repair, and reports major equipment malfunctions to supervisor.

Duty 4 describes operating sedans, gasoline- or diesel-powered truck or tractor trailers, fork lifts, motor boats, work barges, etc.

As indicated, the appellant occupies a standard JD intended to cover maintenance work in any of the project or area offices within the District. The duties described are inclusive but may not be performed at all locations, depending on the local circumstances. To help decide the appeal, we conducted a telephone audit with the appellant on August 28 with a follow-up October 28, 2008, and interviewed his immediate supervisor on December 5, 2008. We visited a local USACE project office and toured the dam and park facilities on January 7, 2009. We also interviewed the Area Engineer and the District's Safety Officer on January 8, 2009, and the author of the *District Policy on Electrical Work Performed by Hired Labor* on January 12. While the duties performed and percentages of time may vary depending on location, we find the JD includes the major duties and responsibilities of the job, is adequate for job grading purposes when supplemented with other information of record, and we hereby incorporate it into our decision. In reaching our decision, we have carefully reviewed all the information of record including that provided by the appellant and the agency as well as the information obtained in our interviews.

### **Pay System Determination**

Section 5103 of 5 U.S.C. requires that a pay category determination be made as the first step in the position classification process. Section 5102 (c)(7) exempts from the GS employees in recognized trades or crafts, or other skilled mechanical crafts, or unskilled, semiskilled, or skilled manual labor occupations, and other employees in positions having trade, craft, or laboring experience and knowledge as the paramount requirements. The *Introduction to the Position Classification Standards* defines paramount requirement as the essential, prerequisite knowledge, skills, and abilities needed to perform the primary duty or responsibility for which the position has been established. Whether a position is in a trade, craft, or manual labor occupation depends primarily on the duties, responsibilities, and qualification requirements; i.e., the most important, or chief, requirement for the performance of a primary duty or responsibility for which the position exists. If a position clearly requires trade, craft, or laboring experience and knowledge to perform its primary duty, the position is under the FWS. Paramount does not rely on percentages of work time.

The appellant raised the issue of pay category during his initial appeal to CPMS because the maintenance inspector duties described were primarily performed by GS-9, Civil Engineering Technicians. We understand the primary responsibility for overseeing these contracts resides with a GS-802, Civil Engineering Technician, assigned to the Area Office. However, with multiple lake offices to monitor, the on-site maintenance workers are in a better position to recognize any problems which may occur. The appellant has received some training in the contracting process and is familiar with the provisions of the various contracts as to the frequency, quality, etc., of the services to be provided. These services are of a trades and crafts nature, e.g., trash removal, mowing, minor construction, etc, and are within the scope of his FWS knowledge and skills to access the quality of the work performed and compliance with requirements. Problems are referred to the supervisor and/or the Civil Engineering Technician. The appellant's contract oversight support work is limited in scope, does not encompass the duties and responsibilities retained by these other positions, and does affect or control the grading of his position.

The record is clear that the primary purpose of the position and the paramount requirements for knowledge, skills, and abilities are those pertaining to the operation, maintenance, and repair of the dam, its related equipment, and the recreational facilities at the lake area, e.g., trades and craft experience and knowledge. Based on the record, the job is properly allocated to the FWS.

### **Occupational code and title determination**

The agency has determined the job is properly allocated to the Maintenance Mechanic, 4749 occupation. This occupation includes jobs involved in the maintenance and repair of grounds, exterior structures, buildings, and related fixtures and utilities and requires a variety of trades practices such as carpentry, masonry, plumbing, electrical, air conditioning, cement work, painting, and other related trades. Although the appellant disagrees with the grade level determination for some of the individual occupations and resultant final grade level, he does not specifically disagree with the assigned occupational code.

The 4749 JGS indicates maintenance work requiring skill, knowledge, and experience predominantly in a single trade is not covered by this JGS. Work in this occupation varies in the combination of trade practices that are performed in many different work situations, however, work requires applying more than one trade and the highest level of work performed is performed in at least two of the trades involved. Grade levels are to be determined by comparison with the JGS for the individual trade occupations. If the highest level of work represents a single occupation, the job should be titled and graded in accordance with the JGS for that occupation.

In our following evaluation, we find the WG-4749 Maintenance Mechanic occupation is appropriate. Occupational title determinations are dependent on grade level. Based on our evaluation, we find the title Maintenance Worker is appropriate.

### **Grade determination**

Most job grading standards, including those which relate to the appellant's work, use four factors for grade level determination: *Skill and Knowledge, Responsibility, Physical Effort, and Working Conditions*. These factors provide both the framework within which the occupation is structured and specifically applicable criteria for the appraisal of level of work. The grade of a job is determined by comparison of the whole job with the with the grade definitions in the appropriate JGS. A grade level must be fully met before it can be credited. Typical of many trades and crafts jobs at higher grade levels in the FWS, *Physical Effort* and *Working Conditions* are the same at all levels defined in the JGS. Generally, these two factors have grade-level significance only in lower graded jobs, e.g., heavier physical demands help distinguish between grades 2 and 3 level 3502 Laborer. Therefore, we will discuss these two factors only where they are pertinent to the appellant's work.

The appellant stated that the statement of work (SOW) for the [name] Lake project dam requires approximately 1,145 hours annually to accomplish. He states approximately half of his time is spent on work performed at the dam site and the remainder in the recreational area sites. Of those recreational area maintenance tasks, he estimates the majority of his time involves plumbing work.

The agency evaluated the dam maintenance work described in Duty 1a. - Mechanical, by comparison with the 5352, Industrial Equipment Mechanic, JGS. The appellant states the work is performed on a flood control dam not in an industrial plant; the 5318, Lock and Dam Repairing, occupation should be used; and the job graded as a WY.

The WY, WO, and WA pay plans are special wage schedules for nonsupervisory, leader, and supervisory wage employees established under the provisions of 5 CFR 532.269. This regulation provides for the Department of Defense to establish special wage schedules for USACE employees engaged in operating lock and dam equipment and who repair and maintain navigational lock and dam operating machinery and equipment. As this regulation is specific to *navigational lock and dam* operation and maintenance, it would not apply to the appellant's work on a dam for flood control purposes.



The *Handbook of Occupational Groups and Families* defines the 5318 occupation as including jobs involved in the repair of flood control or navigational lock and dam equipment and machinery and the maintenance and repair of buildings, grounds, and structures peculiar to operation of locks and dams. The law requires jobs be graded by comparison with the appropriate standards and guidelines issued by OPM. However, there is no specific job grading standard to evaluate the 5318 occupation. Guidance contained in the *Job Grading System for Trades and Labor Occupations* states that when no directly applicable grade level criteria have been published, a JGS for most nearly related occupations is to be used for grade-level determination.

We agree with the agency's decision to use the grading criteria contained in the 5352 Industrial Equipment Mechanic JGS to evaluate the appellant's work on the dam equipment. It is within the same 5300 occupational family involving general maintenance, installation, and repair of portable and stationary industrial machinery, tools, and equipment. Examples given include sewing machines, machine tools, woodworking and metalworking machines, printing equipment, power generating equipment, air conditioning equipment, heating and boiler plant equipment, etc. Further, the 5352 JGS involves dismantling, repairing, aligning, overhauling, and installing machinery and equipment such as bridge cranes, towveyor/conveyor and pneumatic tube systems, and industrial waste and flood control equipment such as compressors, pumps, and valves. This work requires practical knowledge of the mechanical, hydraulic, and pneumatic systems and components of diverse support machinery and equipment; and detailed knowledge of the operating characteristics of the systems and equipment, applicable installation and repair procedures, methods, and trade practices. Typically, the work involves a variety of industrial plant equipment and systems. Where some jobs may specialize in one type of equipment, the work may be recognized as a separate occupation, e.g., utility service systems, pumps, and valves only are graded in the 4206 Plumbing occupation.

### ***Evaluation using the 5352 Industrial Equipment Mechanic JGS***

#### ***Skill and Knowledge***

At the grade 8 level, repairers apply specific maintenance and repair procedures to install, maintain, and repair general plant machinery and equipment. They also install and repair foundations for industrial machinery, bolt down parts and accessories, and connect steam lines, fair hose couplings, fuel lines, lubricating systems, and other power sources prior to operation. At the grade 8 level, they are skilled in using test equipment and measuring devices such as levels, feeler gauges, dial indicators, micrometers, tachometers, and calipers to repair, adjust, and test machinery and equipment such as fire escapes, guard rails, ladders, cat walks, etc. They use portable machine and hand tools such as grinders, drills, etc. Repairs involve the removal of old or damaged parts and rematching, boring, realigning, and refitting. At the grade 8 level, repairers are responsible for completion of routine tasks and adherence to instructions and accepted trade practices. On routine work, they determine proper standardized methods, techniques, and procedures required; tools to use, and complete assignments which are subject to review in progress and upon completion.

At the grade 10 level, mechanics work on plant machinery, equipment, and systems which are technically more complex than those described at the grade 8 level, e.g., having complex interrelationships among components making diagnosis of trouble more difficult. At this level, mechanics examine and troubleshoot to determine the extent of repairs required, materials or parts needed, and estimate the time required to complete repairs. They disassemble, repair, and rebuild component parts of machinery and equipment such as conveyer systems, cable drums and pulleys, reduction gears, pumps, and sluice gates. At the grade 10 level, mechanics are responsible for independently diagnosing, planning, and completing projects or work orders involving major systems in their entirety.

The appellant performs a variety of inspections, preventive maintenance, and repairs at the dam site. These include removal of woody growth on the embankment and repair of damage to fences, security gates, signs, guard rails, etc. At the spillway, he checks such things as emergency lights; the attachment and structural condition of ladders; oil level and leakage on gear boxes on gates; checks, cleans, and lubricates gate hoist equipment and machinery; start and run the standby generator; check float switches and alarms on sump pumps for proper operation and cleans the intakes. In addition to these monthly checks, there are items where he and the field engineer jointly conduct annual checks, e.g., inspect lifting slings for corrosion, check alignment of tainter gate shafts, check trunion pin plates and anchorage, run the backup generator to operate gates, check for concrete damage at the stilling basin, and check for displacement of rip-rap. A few other items are inspected on a 2-, 3-, 5-, or 10- year basis. The appellant accomplishes routine inspection and repairs independently and reports more serious implications to the supervisor/area engineer. He performs regular visual inspections of cables for corrosion and alignment of gates, maintains the sump pumps, and does preventative maintenance and troubleshooting of problems with the emergency generator. More involved repairs such as the recent replacement of seals and bearings in the gates' gear boxes were sent back to the manufacturer to be completed.

The equipment and systems the appellant is responsible for do not meet the complexity of those typical at the grade 10 level and his work does not involve full scope of disassembly, repair, and rebuild of component parts discussed at that level the JGS. He is not required to be skilled in setting up and operating machine tools to make new or remachine component parts to accomplish repairs as is typical at the 10 level. His work is primarily involved in performing regular inspection and preventive maintenance of the dam equipment. The gates are operated by a geared cable system powered by a 3-phase 440 volt electrical system with a back-up generator and do not involve the troubleshooting problems of more complex machinery. Therefore, this factor is credited at the grade 8 level.

### *Responsibility*

The appellant operates with more independence than what is frequently typical at the grade 8 level; i.e., on routine work they determine proper methods and procedures, tools to use, and complete assignments subject to review in progress and on completion. However, unlike the grade 10 level, he is not responsible for the independent completion of projects involving major systems. The appellant, based on his maintenance checks, repairs security gates and ladders, replaces lights, lubricates equipment, etc; completing needed repairs in accordance with standing

instructions and trade practices. He is the sole maintenance worker assigned to the project and indications of serious problems are referred to the supervisor and area engineer. Inspection of more critical areas are performed in conjunction with the area engineer who is responsible for making the determination of the nature of repairs to be done, if they will be contracted, and providing instruction. Therefore, this factor must be credited at the grade 8 level and the appellant's duties evaluated properly by the 5352 JGS at the grade 8 level.

### ***Evaluation using the 4206 Plumbing JGS***

This JGS is used to grade nonsupervisory work involved in installation, modification, and repair of utility, supply, and disposal systems, fixtures, fittings, and equipment such as sewage, water, gas, and oil lines, compressed air, vacuum, and acid systems, water closets, water heaters, hydrants, valves, and pumps. The JGS describes work at the 7 and 9 grade levels.

#### *Skill and Knowledge*

At the grade 7 level, the worker uses knowledge of standard plumbing methods and techniques, e.g., to measure, cut, bend, and thread pipe and tile and how to caulk and seal elbows, joints, faucets, and drains. The grade 7 worker must have the skill to remove, clean, reinstall, or replace joints and fixtures; hook up equipment, e.g., water heaters, disposal units; and replace sections of pipe by following previously-used routes, hangers, and levels. Plumbing workers must have the ability to use basic math and skill in use of basic tools used in plumbing, e.g., rules, hacksaws, pipe threaders and cutters, packing and caulking tools, and pipe wrenches.

At the grade 9 level, plumbers must have knowledge of how supply, disposal, and utility systems and equipment are installed and operate. They must have ability to plan and lay out installation and modification of various systems and equipment, e.g. the routing, openings, slant, and level of gas and water lines, and the location and arrangement of water closets, sinks, and fire sprinkler equipment. They must have the ability to interpret and apply building plans and blueprints, use shop mathematics, interpret and apply building plans and blueprints, and lay out angles, arcs, and circles. They must have skill in the accepted trade methods and techniques such as seating equipment and installing any combination of couplings, unions, and joints needed for proper operations of the systems and use of tool such as plumb bobs, mercury gauges, dividers, and hydrostatic test pumps.

The appellant believes his plumbing work is a major duty, should be graded at a higher level, and was not addressed in detail in the agency's decision. He states the agency did not consider replacing/repairing wall hung toilets and urinals, hot water heaters, 220 volt sewer lift stations, hot water anti-scalding mixer valves, electric hand dryers, etc, and the replacement and maintenance of over 10 miles of water line and 50 water stations.

Most of the work examples pointed to by the appellant are described at the grade 7 level in the JGS, including replacing fixtures (e.g., toilets and urinals) and installing water heaters. Typical of the grade 7 level, the appellant is responsible for routine maintenance and repair of the rest room and shower facilities located in the recreational area. There are six such facilities and he is responsible for repairing/replacing leaking faucets, toilets, water heaters, etc. He is responsible

for maintaining additional water outlets in the camping areas as well monitoring/repairing leaking water lines. His duties are primarily to repair/replace for existing facilities; new facilities would be designed and constructed by contractors. The difference between the grade 7 and 9 levels lies primarily in greater knowledge of operations of various systems and how they are placed, slanted, and sloped. Grade 9 plumbers have greater responsibility for planning, layout, and completion of installations, modifications, and repairs with little or no advice. The appellant's assignments involve routine/preventive maintenance and repair of components of relatively non-complex systems typical of the grade 7 level. He maintains a small stock of common plumbing supply items for emergency use. Therefore, this factor is credited at the grade 7 level.

### *Responsibility*

At the grade 7, work is assigned orally or through work orders and sketches. After work is assigned, the worker selects tools, decides on methods and techniques to carry out the work with little checking during progress for work assignments of grade 7 level difficulty and complexity. They use materials specified in work orders or obtain replacement parts by comparison with samples. In contrast, grade 9 plumbers are responsible for planning and laying out complete plumbing systems, including routing, slant, slope and fall. He or she completes installations, modifications, and repairs with little or not check during their progress or upon completion. The grade 9 plumber tests and makes needed adjustments to system and equipment.

While the appellant works with a great deal of independence, he follows accepted trade practices, uses existing plans and blueprints, etc. Unlike the grade 9 level, he does not, on a regular and recurring basis, layout and install or replace full plumbing systems of grade 10 difficulty and complexity. The supervisor retains funding authority when questions arise as to repair or replace items. Therefore, this factor must be credited at the grade 7 level, and the appellant's duties evaluated properly by the 4206 JGS at the grade 7 level.

### *Evaluation using the 2805 Electrician JGS*

The appellant believes the electrical work he has performed during his employment within the District should be credited at grade 10. He states that he has performed most of the work on higher voltage equipment as well as new installations on three separate dams and lakes.

In October 1991, the [name] District issued a policy on electrical work which indicated electrical repairs which can be accomplished with project hired labor who are not licensed electricians would be limited to only Level 1 minor repairs. These were defined as replacement of receptacles, circuit breakers, ground fault interrupters, light switches, lighting fixtures, photo cells, fuses, and light bulbs. This issuance was superceded by a memo, dated December 7, 2006, which revised the policy. The new memo cited the USACE safety manual and OSHA electrical requirements and definitions. It provides two rules: (a). only an electrician licensed in the State in which the work is to be performed shall work on energized electrical equipment where the voltage present exceeds 50 volts to ground; and (b). project personnel may perform minor routine maintenance/ replacement work, defined the same as the earlier memo, on electrical systems within the District only when all of the following conditions are met. 1. The equipment

to be serviced is de-energized in accordance with OSHA lockout/tag out requirements. 2. Under normal operating conditions, the maximum voltage present at the equipment shall not exceed 120 volts to ground. Work on equipment that normally operates at more than 120 volts to ground shall be performed by a licensed electrician or by Hydropower Section personnel. Conditions 3 through 6 include stipulations to require formal electrical safety course training requirements, testing to assure lock procedures have de-energized the equipment, presence of necessary test equipment and personal protective equipment, and a requirement that the person to perform the work, with supervisory concurrence, shall consider themselves qualified to perform the work.

These policies were not reflected in the previous JD but are addressed in the current JD. The law and regulations pertaining to the job grading appeal process provide only for appeal of currently assigned duties and responsibilities (5 U.S.C. 5446(c)(1)). Therefore, the high voltage electrical work performed by the appellant may not be considered in the adjudication of this appeal.

The 2805 JGS covers nonsupervisory work involved in the installation, maintenance, troubleshooting, and repair of electrical wiring systems, fixtures, controls, and equipment in industrial, institutional, office, and residential buildings, and on ships.

#### *Skill and Knowledge*

At the grade 8 level, workers install or repair electrical systems incident to the construction or maintenance of family housing units, buildings, offices, or shops or perform limited assignments in the installation or repair of complex industrial systems. They require knowledge of where fixtures, wiring, and controls, such as switches, circuit breakers, fuses, relays, and outlets, are installed and how they operate. They must be able to read and follow wiring diagrams; have the skill to rearrange old or install new outlets, relays, switches, etc into existing systems and to test circuits to see if they are complete.

At the grade 10 level, electricians must have a knowledge of the operations and installation of a variety of complete electrical systems and equipment such as series, parallel, and compound circuits for single and multiple phase alternating current of varying voltage, amperage, and frequency; wiring systems in industrial complexes and in buildings; and power or regulating and control circuits and distribution panels to industrial machinery, ships' control equipment, computers or laboratory and other electrical equipment.

The appellant points to the fact the [name] Lake dam operates on a 3-phase 440 volt system. He states that higher voltage equipment also exists in the recreational area, e.g., 220-volt water heaters. He states the determination of size requirements for electrical components such as breakers is discussed in the JGS at the grade 10 level and that "material requirements are determined by an employee of higher grade" than at the grade 8. He states he has never worked under higher graded FWS employees.

Comparable to the grade 8 level, the appellant must have knowledge and skill to check out and replace light fixtures, switches, outlets, circuit breakers, and fuses in the facilities in the recreational areas and repair/replace 220-volt water heaters and sewage lift station pumps for rest rooms. His duties also include repair of power distribution outlets for the camping areas where

boxes may be damaged by vehicles, mowers, etc. At the dam site, the appellant is responsible for replacement of lamps and repair of switches on the spillway and the routine maintenance and running of the standby generator, including checking the batteries and chargers. He uses appropriate meters to check circuits for continuity and appropriate readings. The electrical test section is responsible for the biennial checks on the spillway gate control panel relays and wiring, the electrical conduit and wiring, and the spillway sump control panel components.

The work does not meet the grade 10 level which requires knowledge required to plan, lay out, install, and repair a variety of complex electrical systems used in industrial complexes and to power circuits and distribution for industrial machinery, ships control equipment, etc. The appellant is responsible for repair and replacement of office and housing-type facilities and a limited portion of more complex electrical systems as is typical of the grade 8 level. We find the skill and knowledge required to perform the appellant's regular and recurring work is comparable to the grade 8 level.

### *Responsibility*

At the grade 8 level, the plans and assignments are made and the worker selects tools, decides on methods and techniques, and carries out the work with little check in progress. Routine maintenance and repair duties are accomplished independently; if unusual problems arise or unfamiliar complex industrial systems are assigned, a supervisor or higher grade work provides advice or checks completed work for meeting requirements.

At the grade 10 level, electricians work from plans, wiring diagrams, and drawings to plan and lay out the routing, placement, and arrangement of industrial or other complex systems, circuits, controls, and equipment. They are responsible for compliance with the National Electrical Code and complete assignments, load and test systems, circuits, and equipment with little or no check in progress or on completion.

The appellant performs his routine maintenance independently as is typical at the grade 8 level. Like at the grade 8 level, the appellant is expected to report to the supervisor the need for major repairs of work on higher voltage circuits (440 or greater). We understand this policy was developed for the safety of employees who are not licensed electricians. When problems develop requiring work on the types of circuits and equipment typical of the grade 10 level, e.g., higher voltage dam electrical equipment, the work is either performed by employees from the power plant operation at another lake or contracted out. The appellant's responsibility meets the grade 8 level. Thus, the appellant's duties compared to the 2805 JFS are graded at the grade 8 level.

The appellant indicates he rarely performs **Welding** and **Painting** duties. During our fact finding, he indicated he may occasionally use a MIG welder to repair a security gate or an oxygen/acetylene torch to cut metal, but most welding work is contracted out. He indicated most painting is done by volunteers at the park. He might provide advice as to type of paint or surface preparation to use. We agree that, at this time, these occupations are not considered to have impact on the grade level of the job as they are not performed on a regular and recurring basis and, thus, may not be considered in the grading of the job.

**Maintenance of Water Supply and Sewage Facilities** – The appellant indicates the facility has one park area supplied by a well while the others are supplied by city or county water and sewage treatment facilities. The appellant is responsible for faucets, pumps, water lines, RV dump stations, etc. These duties were considered and evaluated as part of the appellant's plumbing work.

### *Evaluation using the 4607 Carpentry JGS*

This JGS covers work in constructing, altering, maintaining, and repairing buildings, structures, partitions, panels, tool cabinets, work benches, and other items using wood, wood substitutes, and composite building materials. This work requires knowledge of construction and repair techniques; type, grade, and working characteristics of the materials such as strength and applications, and skill in operation of hand and power tools and equipment.

#### *Skill and Knowledge*

At the grade 7 level, workers measure, cut, construct, install, repair, and modify items where specific fit and accuracy are within allowable limits to produce a serviceable product. Finished appearance of products is not the primary consideration at this grade. They have a working knowledge of woodworking techniques, basic shop mathematics, are skilled in the use of a variety of tools, and are able to work from sketches, basic blueprints, and instructions.

At the grade 9 level, carpenters use skilled techniques to construct, install, repair, and modify items requiring close tolerance fit and structural soundness, e.g., items such as building frames, rafters, concrete forms, wall, staircases, door and window frames, interior and exterior trim, and items such as countertops, bookcases, cabinets, etc. They are skilled in use of general and precision carpentry and woodworking equipment and are able to produce finished products with precise fits, accurate dimensions, and acceptable appearance.

The appellant indicated that during his employment with the Corps, he has built such things as gate shacks, storage rooms, bathrooms, kitchens, camp pads, shops and office rooms, remodeled a project office, and installed new roofs. However, he indicated that in recent years such work is primarily contracted out; and his duties have been primarily limited to such things as repairing or replacing wood on a shelter, repairing broken doors and hinges, etc. While he personally possesses the knowledge and skills to perform higher level work, at this time, the assigned duties of the job do not require a higher level of skill than the grade 7 level.

#### *Responsibility*

At the grade 7 level, carpentry workers work under general supervisor or with a higher graded worker, receiving assignments orally, through work orders, sketches, or blueprints. They select the proper tools and determine methods to be used while deviations from standards generally require approval. Work is spot checked in progress and on completion to insure fit, dimensions, structural integrity, and other objectives are met.

As in the other occupations previously discussed, the appellant operates with more independence based on his experience and understanding of trade practices and agency instructions and practices. However, his carpentry assignments do not involve the more complex projects typical at the grade 9 level involving close tolerances, precise fit, and finished appearances. Overall, his assignments in comparison with the 4607 JGS do not exceed the grade 7 level.

### ***Evaluation using the 5716 Engineering Equipment Operator JGS***

This JGS is used to grade work involving the operation of gasoline or diesel powered engineering and construction equipment.

#### ***Skill and Knowledge***

At the grade 8 level, one or more pieces of equipment are used to push, pull, pile, or load materials. An example provided is equipment fitted with a front-end loader to transfer material into a dump truck. The operator needs to know the uses of different sets of controls for equipment and attachments and be skilled in handling these controls. The operator is required to have knowledge of the nature of the soil and features of the terrain to determine the proper approach according to the condition of the surface and subsurface. Work is done on flat or rolling terrain, refuse dumps, and construction sites with simple terrain problems. The operator must be able to move equipment in confined areas.

Work at the 10 level requires greater skill in that it includes breaking new ground for roads, canals, tunnels, or construction sites, moving earth on mountains and steep slopes and/or grading to exact specifications on flat or rolling terrain. Work at this level involves increased operating complexity of the equipment and the requirement to operate on all terrain. Grade 10 operators are required to have more knowledge of a variety of soil composition and conformation as well as that of the purpose and limitations of a greater variety of attachments than is required for work at the grade 8 level.

The [name] Lake area has an assigned backhoe equipped with a front end loader with a 2-cubic yard bucket; two dump trucks, a 33,000 and 52,000 pound capacity; and a large trailer. The appellant states he uses this equipment primarily as a tool when performing plumbing work in the repair of water lines, sewer lines, hydrants, underground electrical power lines, etc. During our interview, he said he also uses this equipment to haul fill material to repair areas around the culverts and dikes and to add or move rip rap from the dam areas. This work would not exceed the grade 8 level. The terrain at the site is not considered to be mountainous within the meaning of the 5716 JGS; nor does the work involve breaking new ground for roads, canals, or construction sites and grading to exact specifications, as at the grade 10 level. Most of the work involves filling in eroded areas around culverts, dikes, etc. around the dam area; hauling and moving rip-rap; leveling camper pads, and doing preliminary digging to locate broken/leaking water lines. Again, while the appellant may personally have the skills required to operate equipment at the higher level, the duties of the job do not require the regular and recurring application of this level of skill. This factor is graded at the grade 8 level.



### *Responsibility*

At the grade 8 level, the operator follows oral instructions or written work orders. Work is largely performed without direct supervision. Equipment is operated in accordance with safety rules and regulations, and properly to avoid damage. The operator must remain constantly alert, especially when close to people, buildings, etc., to prevent injury to others and damage to equipment. At the grade 10 level, instructions and work orders are followed as at the grade 8 level. However, the operator performs more difficult tasks of rough grading to general contour as well as fine surfacing on flat or rolling terrain. Responsibility for safe operation is greater because of the requirement to work on rough terrain. The appellant's assignments do not involve surfacing to fine specification or operation in mountainous terrain typical of the 10 level of responsibility. This factor is graded at the 8 level. By comparison with the 5716 JGS, the appellant's work meets the grade 8 level.

As discussed in the Pay System Determination section of this appeal, the appellant's **Maintenance Inspector duties (Duty 2)** do not constitute a major part of the job and do not require any different knowledge and skills beyond those required for performing his primary duties and responsibilities.

The PD indicates these **Dam Operation** duties (Duty 3) occupy 10 percent of the appellant's time but also includes the routine dam inspection and maintenance duties which have been included in Duty 1. Various readings such as humidity, temperature, and wind velocity are captured by automatic instruments and transmitted to the Hydrology Office in Tulsa. The appellant makes a manual reading off a weighted wire to verify the electronic readings as to pool levels. He will make gate changes based on directions from the Hydrology Office. For safety reasons, any employee at the Lake must know how to make gate changes as may be required during periods of heavy rainfall. At the grade 6 level in the 5426 Lock and Dam Operating JGS, operators open and close switches on actuating machinery to open and close lock gates and operate valves at installations with simple mechanical equipment and relatively little commercial traffic. The dam may be fixed-crest type or have manually operated tainter gates. Thus, this aspect of the appellant's work would not be grade controlling and will not be discussed further.

### *Evaluation using the 5703 Motor Vehicle Operator JGS*

The 5703 JGS covers work in the operation of gasoline, diesel, or electric powered wheeled vehicles to haul cargo and fuel, transport passengers, or tow or recover equipment. It describes work ranging from grade 4 to the grade 8 level.

As indicated previously, the appellant's **Vehicle/Vessel Operation** duties (Duty 4) include operating pick-up trucks, a front end loader, and two dump trucks in performing his work. The dump trucks, with a gross weight capacity of 33,000 and 52,000 pounds, are operated primarily along with the backhoe while plumbing work is done to repair water and sewer lines within the lake area and to move sand, gravel, fill material and rip rap. He may on occasion, use a dump truck with a trailer to transport the front end loader to nearby lakes for use at that location. This is not considered regular and recurring work and will not be considered in the grading of this work.

The appellant states that he is required to have a Class "A" commercial driver's license. However, the requirement that employees be licensed or certified to perform work cannot affect the grades of their jobs (section II.C.2.d of the Job Grading System, Part 1). Trades and labor jobs are graded considering the actual skill, knowledge, and other requirements of the work performed.

The agency evaluated the appellant's work in this occupation at the grade 5 level. We concur for that portion of his work involved in driving pickup trucks. However, their evaluation did not consider his operation of the dump trucks discussed in the evaluation of his engineering equipment work.

### *Skill and Knowledge*

At the grade 7 level, drivers operate such vehicles as platform trucks, fuel trucks, dump trucks, and trash removal trucks with approximate gross weights ranging from more than 26,000 pounds up to 32,000 pounds. These require knowledge to operate larger and longer vehicles than those at lower grade levels; have heavier loads to secure and control; have air brakes and are more susceptible to sliding and tipping; and are difficult to maneuver. Drivers must have skill and knowledge to operate over a variety of roads including interstate highways, narrow country roads, and on steep winding grades; and knowledge of routes which may be legally driven because of size and weight restrictions and overpass clearances.

The grade 8 level describes operating straight-in-line trucks with a gross vehicle weight of more than 32,000 pounds, and trucks with semi- and full trailers, and motor coaches. These require greater skill and knowledge in operation because of limited maneuverability, more than one body and two braking systems, or are oversized and carry large groups of people. Drivers of truck and trailer combinations must have skill to determine turning radius; backing the trailer into loading docks, between other trailers, and in narrow congested parting spaces; and applying the dual braking systems, especially on steep winding grades without causing the trailer to jack knife. Drivers at this level also require knowledge to load, arrange, and secure the cargo.

As indicated in the earlier discussion of the Engineering Equipment Operator work, the appellant drives the assigned dump trucks, primarily in connection with operation of a backhoe in completion of his plumbing work and moving fill material around the dam areas. These trucks have a gross weight capacity of 33,000 and 52,000 pounds, respectively. This driving is primarily around the park areas and while the weight capacity is present, the other aspects of difficulty do not fully meet the grade 8 level. The assignments involving operation of the dump truck alone do not approach the grade 8 level. This factor is credited at the grade 7.

### *Responsibility*

At the grade 7 level, drivers receive instructions as to type of vehicle, destination, purpose of the trip, and any special information important to the trip. Drivers accomplish their assignments with considerable independence and are responsible for safe operation of the vehicle and equipment. At the grade 8 level, responsibility is greater because the size and type of the vehicle operated increases the tendency of the trailer to sway and the driver to lose control.

Like at the grade 7 level, the appellant completes his assignments with considerable independence. He will discuss with the supervisor as to areas which may need fill, but completes the work on his own. This factor is credited at the 7 level. By comparison with the 5703 JGS, the work is graded at the 7 level.

### **Summary**

The appellant's duties graded at the 8 level are: Industrial Equipment Repairer, Electrical Worker, and Engineering Equipment Operator. This work occupies most of the appellant's time and is considered to be grade controlling. The Plumbing, Carpentry, and Motor Vehicle Operator work is graded at the 7 level. In accordance with the instructions contained in the 4749 JGS, the job is appropriately graded as Maintenance Worker, WG-4749-8.

### **Decision**

The job is properly graded as Maintenance Worker, WG-4749-8.